

EX. J

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1 MS. TESKE: And I'm going to 01:09
2 caution you not to reveal any
3 communications that you had with
4 Mr. Podhaskie.
5 A. Can you repeat your question, please.
6 Q. Why did you decide to resign as an ACA
7 director on July 26th?
8 A. I did not want to get involved in
9 things that I'm not involved with.
10 Q. What are those things?
11 A. To be honest, I don't know.
12 Q. Is it -- are you referring to this
13 case?
14 A. I don't know anything about this case.
15 To be honest, I don't even know why I'm here. The 01:10
16 reason why I worked for this company, why I trust
17 William is because we share a mission. That's what
18 makes me trust him and that's probably why he trusts
19 me.
20 Anything else, what he does, who he is,
21 his family, I don't know. I don't care. We're
22 trying to work to make China a better place and
23 that's all that matters.
24 Q. Why did you think that resigning from
25 ACA as a director would keep you from getting

Page 70

1 involved in things that you don't want to be involved 01:11
2 in?
3 MS. TESKE: Object to the form.
4 You can answer.
5 A. Can you repeat your question, please.
6 MR. GREIM: I'll have the court
7 reporter do that.
8 (Whereupon, the record is read.)
9 A. I'm not sure I understand the question.
10 Q. You told me a few minutes ago that you
11 resigned from ACA because you did not want to get
12 involved in things that you don't want to be involved
13 in. Do you remember that testimony?
14 MS. TESKE: Object to the form.
15 You can answer. 01:11
16 A. Yes.
17 Q. And so, my question is, why did you
18 think that resigning as a director of ACA would
19 accomplish that goal?
20 MS. TESKE: Object to the form.
21 You can answer.
22 A. Let's put it this way. You are part of
23 a company or you work in a store. There are things
24 in the store that you don't want to get involved
25 with. You resign. You're not part of it any more.

Page 71

1 Q. What are the things that you don't want 01:12
2 to be involved in?
3 MS. TESKE: Object to the form.
4 You can answer.
5 A. I don't know.
6 Q. But whatever they were, they were
7 serious enough for you to resign from ACA?
8 MS. TESKE: Object to the form.
9 You can answer.
10 MR. GRENDI: Object to the form.
11 A. I don't know.
12 Q. You just testified a second ago that
13 you trusted Mr. Je because you shared a mission of
14 making China a better place, right?
15 A. That's correct. 01:13
16 Q. And is that the mission you thought ACA
17 had?
18 A. No. I trust him as a person as I know
19 that he shares the same idea about the Communist
20 Party and how bad they are. I am not talking about
21 ACA or any other thing. I was talking specifically
22 about him as a person.
23 Q. So what is the thing you were trying to
24 keep from getting involved in by resigning as a
25 director?

Page 72

1 MS. TESKE: Object to the form. 01:13
2 You can answer.
3 A. I don't know. I don't know
4 specifically what's going on here with these -- with
5 any company. I just feel that I don't want to be
6 involved in something that does not belong to me.
7 Q. What did you learn that made you decide
8 that you did not want to be involved in ACA as of
9 July 26th?
10 MS. TESKE: Object to the form.
11 You can answer.
12 A. Really nothing.
13 Q. Was it something Mr. Podhaskie told
14 you?
15 MS. TESKE: Object to the form, 01:14
16 and -- object to the form.
17 You can answer without giving away
18 any substance of communications.
19 A. Yes.
20 Q. So it's something Mr. Podhaskie told
21 you but you can't tell us what that thing is; is that
22 your testimony today?
23 MS. TESKE: Because I'm directing
24 her not to.
25 MR. GREIM: Well, okay. So you're

Page 73

19 (Pages 70 to 73)

Karin Maistrello
August 23, 2019

Atkinson-Baker, Inc.
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<p>1 directing her not to tell me what the 01:15 2 thing ACA was involved in that she wanted 3 to get out of. 4 MS. TESKE: I am directing her not 5 to discuss her communications with Dan 6 Podhaskie with you. 7 MR. GREIM: Okay. That's -- okay, 8 fair enough. 9 Q. I'll ask it this way. Forget about 10 what Mr. Podhaskie told you. 11 Was the thing that ACA was involved in 12 that you wanted to not be involved in yourself, was 13 it a project of ACA? 14 MS. TESKE: Object to the form of 15 the question. 01:15 16 You can answer. 17 A. I don't know. 18 Q. Was it a lawsuit? 19 MS. TESKE: Object to the form of 20 the question. 21 You can answer. 22 A. I don't know. 23 Q. How did it involve ACA? 24 MS. TESKE: Object to the form. 25 You can answer.</p> <p style="text-align: right;">Page 74</p>	<p>1 ask you what it was. It's just a yes or no question. 01:17 2 Did he give you advice in this 3 discussion? 4 MS. TESKE: Objection and 5 directing the witness not to answer. 6 We've -- because I'm not going to allow 7 her, no matter what she answers, and she 8 can answer a yes or a no, but no matter 9 what her answer is, she does not 10 understand the scope of the 11 attorney-client privilege. And I am 12 going to direct her not to discuss 13 communications with Mr. Podhaskie until I 14 am confident that they are not 15 attorney-client privileged 01:18 16 communications. 17 MR. GREIM: I think, though, that 18 I need to know whether he gave advice. 19 I'm not asking what it was. I want to 20 know whether he gave advice, yes or no. 21 And if she says no, it doesn't mean we're 22 going to go all out. I want to know 23 whether she believes she got advice. 24 You may tell her after you speak 25 with her that, guess what, that was</p> <p style="text-align: right;">Page 76</p>
<p>1 A. I don't know. 01:16 2 Q. Why did you think that resigning as a 3 director would spare you from being involved in 4 whatever this thing was? 5 MS. TESKE: Object to the form. 6 You can answer. 7 A. I believe I already answered this 8 question. Meaning, with my resignation, I'm out. 9 Q. Out of what? 10 A. ACA. 11 Q. Did you discuss your conversation with 12 Mr. Podhaskie with any other person after you were 13 done talking with him? Yes or no for now. 14 A. No. 15 Q. Did Mr. Podhaskie tell you he would 01:17 16 discuss your conversation with any other person? Yes 17 or no for now. 18 MS. TESKE: Object to the form. 19 You can answer. 20 A. No. 21 Q. Do you know whether Mr. Podhaskie 22 discussed your conversation with him with any other 23 person? 24 A. I do not. 25 Q. Did Mr. Podhaskie -- I'm not going to</p> <p style="text-align: right;">Page 75</p>	<p>1 actually advice. I understand that. I 01:18 2 want to know her answer before she talks 3 with counsel just on a yes or a no. 4 MS. TESKE: I will let -- it has 5 no bearing. I'm not going to let her 6 answer that because it has no bearing. 7 She can not opine on whether or not he 8 gave her legal advice. 9 MR. GREIM: Well, I'm going to ask -- 10 MS. TESKE: I mean, that's your 11 question. 12 MR. GREIM: Well, I'm going to ask 13 her whether she believed that she 14 received advice, and it's not going to be 15 binding -- 01:19 16 MS. TESKE: But when you say 17 advice, you mean legal advice, and she 18 doesn't understand that. 19 MR. GREIM: The question -- well 20 wait a minute. 21 MS. TESKE: That's a legal concept 22 that she doesn't understand. 23 MR. GREIM: Okay. I'm just going 24 to make it for the record. You can 25 object again.</p> <p style="text-align: right;">Page 77</p>

20 (Pages 74 to 77)

Karin Maistrello
August 23, 2019

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1 BY MR. GREIM: 01:19
 2 Q. And I'm not going to ask about legal
 3 advice right now. I'm just going to say, during the
 4 conversation, did Mr. Podhaskie advise you to do
 5 anything? Yes or no.
 6 MS. TESKE: Hold on a second.
 7 I am not going to let the witness
 8 discuss what the substance of her
 9 communications are with Mr. Podhaskie,
 10 and although you want to characterize the
 11 substance, that's the same thing. That's
 12 asking her about the substance of her
 13 conversation. You just want to
 14 characterize it.
 15 MR. GREIM: Okay. 01:20
 16 Q. Did you take any actions as a result
 17 of your discussion with Mr. Podhaskie?
 18 MS. TESKE: Object to the form.
 19 MR. GREIM: Yes.
 20 MS. TESKE: You can answer. No,
 21 sorry.
 22 What she did at the direction of
 23 her counsel --
 24 MR. GREIM: That's not my
 25 question.

Page 78

1 MS. TESKE: It could be, though. 01:20
 2 You're going to box her into something,
 3 and you're trying to get -- it's very,
 4 clear, and I understand why you're doing
 5 it, but it's very -- but you are trying
 6 to obtain the substance of
 7 attorney-client privileged
 8 communications --
 9 MR. GREIM: No.
 10 MS. TESKE: -- or communications
 11 that we haven't determined aren't. Of
 12 course you --
 13 MR. GREIM: Okay. We'll come back
 14 to it. We've got to move on.
 15 Q. Let me see what we're doing here. 01:21
 16 (Whereupon, Plaintiff's
 17 Exhibit 5, "Notice of Change of Company
 18 Secretary and Director
 19 (Appointment/Cessation,)" Bates Nos.
 20 42-44, is marked for identification, as
 21 of this date.)
 22 MR. GREIM: Let's take a short
 23 break.
 24 THE VIDEOGRAPHER: This will
 25 conclude video No. 1 in the deposition of

Page 79

1 Karin Maistrello. We're off the record 01:22
 2 at 1:21 p.m., August 23rd, 2019.
 3 (Whereupon, a recess is taken.)
 4 THE VIDEOGRAPHER: This is the
 5 beginning of video No. 2 in the
 6 deposition of Karin Maistrello. We are
 7 on the record at 1:31 p.m., August 23rd,
 8 2019.
 9 BY MR. GREIM:
 10 Q. Ms. Maistrello, I've just handed you
 11 what we've marked Exhibit 5. Have you had a second
 12 to take a look at that?
 13 A. Give me one second.
 14 Q. Sure.
 15 MR. GREIM: I'll just say for the 01:33
 16 record it's three pages. They have a --
 17 like a digital Bates label in the bottom
 18 left-hand corner, 42, 43 and 44, and the
 19 top reads "Notice of Change of Company
 20 Secretary and Director," and then in
 21 parentheses after that
 22 "Appointment/Cessation."
 23 Q. Now, Ms. Maistrello, let me -- maybe
 24 I'll just walk you through this.
 25 Do you see on page 2 a signature at the

Page 80

1 bottom of the page? 01:33
 2 A. I do.
 3 Q. Whose signature is that?
 4 MS. TESKE: Object to the form of
 5 the question.
 6 You can answer.
 7 A. That's mine.
 8 Q. Okay. And if you look on the third
 9 page, do you see another signature at the very bottom
 10 under the title "Confirmation"?
 11 A. I see it.
 12 Q. Okay. Can you see who signed that?
 13 MS. TESKE: Object to the form.
 14 You can answer.
 15 A. Yes. 01:34
 16 Q. Who?
 17 A. William Je.
 18 Q. Okay. And he signed on behalf of what
 19 entity?
 20 MS. TESKE: Object to the form.
 21 Are you asking her to read what's
 22 written --
 23 MR. GREIM: Yes.
 24 MS. TESKE: -- on the page?
 25 'Cause she would not otherwise have --

Page 81

21 (Pages 78 to 81)

Karin Maistrello
August 23, 2019

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<p>1 A. No. 01:57</p> <p>2 Q. Okay. I'm not going to ask you what</p> <p>3 was said. I'm going to try this one more time and</p> <p>4 then we'll do the thing we discussed before.</p> <p>5 Was the topic of your discussion with</p> <p>6 Mr. Podhaskie the problems that were happening with</p> <p>7 ACA?</p> <p>8 MS. TESKE: Object.</p> <p>9 Don't answer.</p> <p>10 MR. GREIM: Okay. Let's take a</p> <p>11 break.</p> <p>12 THE VIDEOGRAPHER: We are off the</p> <p>13 record. The time is 1:57 p.m.</p> <p>14 (Whereupon, a recess is taken.)</p> <p>15 THE VIDEOGRAPHER: We are back on 02:10</p> <p>16 the record. The time is 2:09 p.m.</p> <p>17 BY MR. GREIM:</p> <p>18 Q. Ms. Maistrello, just a few more</p> <p>19 questions for you. I want to return to your</p> <p>20 testimony earlier that you resigned from ACA because</p> <p>21 you didn't want to be involved in something. Do you</p> <p>22 recall that testimony?</p> <p>23 A. I do.</p> <p>24 Q. And I guess my question to you, I'm</p> <p>25 going to ask you one last time because you've said</p> <p style="text-align: right;">Page 98</p>	<p>1 MS. TESKE: Object to the form. 02:12</p> <p>2 MR. GRENDI: Object to the form.</p> <p>3 MS. TESKE: If she knows.</p> <p>4 A. I don't.</p> <p>5 Q. Other than Mr. Podhaskie, is there any</p> <p>6 other person that you spoke with before you came to</p> <p>7 the conclusion that by resigning as an ACA director,</p> <p>8 you might be -- you might avoid being involved with</p> <p>9 something you didn't want to be involved in?</p> <p>10 MS. TESKE: Objection to the form.</p> <p>11 You can answer.</p> <p>12 A. No.</p> <p>13 Q. You did not speak with Ms. Wang about</p> <p>14 whether resigning could keep you from being involved</p> <p>15 in something? 02:13</p> <p>16 MS. TESKE: Object to the form.</p> <p>17 You can answer that.</p> <p>18 A. I did not.</p> <p>19 Q. You did not speak to Mr. Guo about that</p> <p>20 topic?</p> <p>21 MS. TESKE: Objection.</p> <p>22 A. I did not.</p> <p>23 Q. Did you speak with Mr. Guo about your</p> <p>24 deposition today?</p> <p>25 A. I did not.</p> <p style="text-align: right;">Page 100</p>
<p>1 you don't know what that thing is, sitting here 02:11</p> <p>2 today, have you been able to recall what that thing</p> <p>3 is that you did not want to be involved in as a</p> <p>4 director of ACA?</p> <p>5 MS. TESKE: Object to the form.</p> <p>6 MR. GRENDI: Objection to the</p> <p>7 form.</p> <p>8 A. No.</p> <p>9 Q. Let me ask you this. Has your</p> <p>10 resignation been effective in keeping you from being</p> <p>11 involved in that thing that you did not want to be</p> <p>12 involved in?</p> <p>13 MS. TESKE: Object to the form.</p> <p>14 MR. GRENDI: Object to the form.</p> <p>15 A. I don't know. Meaning, I'm here 02:11</p> <p>16 wasting my time about something I have no idea what</p> <p>17 it is about, so I don't know.</p> <p>18 Q. Is being here one of the things you</p> <p>19 wanted to not be involved in by resigning?</p> <p>20 MS. TESKE: Object to the form.</p> <p>21 A. I didn't necessarily think about this.</p> <p>22 But yeah, if I could have avoided this, why not?</p> <p>23 Q. And in fact, you did avoid being</p> <p>24 deposed as an ACA corporate representative, didn't</p> <p>25 you?</p> <p style="text-align: right;">Page 99</p>	<p>1 Q. Have you reviewed his disposition 02:13</p> <p>2 transcript in this case?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did you speak with Ms. Wang</p> <p>5 about your deposition today?</p> <p>6 A. I didn't.</p> <p>7 Q. Have you reviewed her deposition</p> <p>8 transcript in this case?</p> <p>9 A. No, I haven't.</p> <p>10 Q. And is it your testimony that you have</p> <p>11 not had any communication with Mr. Je since his email</p> <p>12 back to you regarding your resignation?</p> <p>13 MS. TESKE: Object to the form.</p> <p>14 You can answer the question.</p> <p>15 A. That's correct. 02:14</p> <p>16 Q. Has anyone communicated with you on</p> <p>17 behalf of Mr. Je?</p> <p>18 A. No.</p> <p>19 Q. Have you received any payment from any</p> <p>20 person other than your payment as an employee of</p> <p>21 Golden Spring?</p> <p>22 MR. GRENDI: Object to the form.</p> <p>23 MS. TESKE: Object to the form.</p> <p>24 Sorry. For what, during what time</p> <p>25 period, for any --</p> <p style="text-align: right;">Page 101</p>

26 (Pages 98 to 101)

Karin Maistrello
August 23, 2019

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<p>1 MR. GREIM: In 2019, 02:14</p> <p>2 MS. TESKE: Relating to her</p> <p>3 services?</p> <p>4 MR. GREIM: Relating to personal</p> <p>5 services.</p> <p>6 MS. TESKE: Personal services?</p> <p>7 MR. GREIM: Services, any</p> <p>8 services,</p> <p>9 MS. TESKE: Provided to ACA.</p> <p>10 MR. GREIM: Well, first provided</p> <p>11 to ACA.</p> <p>12 MS. TESKE: Maybe rephrase the</p> <p>13 question.</p> <p>14 MR. GREIM: Yeah, I'm sorry.</p> <p>15 MR. GREIM: That's a bad one. 02:15</p> <p>16 MR. GREIM: I'm sorry. I'm</p> <p>17 thinking about -- I'm trying to cut out</p> <p>18 arts and crafts or, you know, artwork or</p> <p>19 something, tangible things.</p> <p>20 Let me go back, okay, and make it</p> <p>21 clear.</p> <p>22 BY MR. GREIM:</p> <p>23 Q. In 2019, have you received payment for</p> <p>24 any services other than your salary as a director of</p> <p>25 ACA?</p> <p>Page 102</p>	<p>1 THE WITNESS: Thank you. 02:16</p> <p>2 MS. TESKE: Thank you,</p> <p>3 Ms. Maistrello.</p> <p>4 THE VIDEOGRAPHER: This will</p> <p>5 conclude Video No. 2 and end the</p> <p>6 deposition of Karin Maistrello. We are</p> <p>7 off the record at 2:15 p.m., August 23rd,</p> <p>8 2019.</p> <p>9 (Time noted: 2:15 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 104</p>
<p>1 MS. TESKE: Object to the form. 02:15</p> <p>2 You can answer the question.</p> <p>3 Q. I'm sorry. Other than your salary as</p> <p>4 an employee of Golden Spring?</p> <p>5 MS. TESKE: Object to the form.</p> <p>6 But you can answer the question.</p> <p>7 A. No, I did not.</p> <p>8 MR. GREIM: Okay. Well, I want to</p> <p>9 stand on the questions I asked about the</p> <p>10 discussion with Mr. Podhaskie. I think</p> <p>11 I've asked every possible question that</p> <p>12 can be asked about that question, and I</p> <p>13 want to hold open the deposition for that</p> <p>14 purpose only.</p> <p>15 I will say that for efficiency 02:15</p> <p>16 sake, if there is a way to get the</p> <p>17 information we need from ACA without</p> <p>18 going into that, then we will try. We</p> <p>19 will try. But if we can't, we'll want to</p> <p>20 return to this topic and we'll just raise</p> <p>21 it with the judge. And so I've got</p> <p>22 nothing else.</p> <p>23 MS. TESKE: Thank you.</p> <p>24 MR. GREIM: Thank you very much.</p> <p>25 MR. GREIM: Thank you, Ms. Maistrello.</p> <p>Page 103</p>	<p>1 ACKNOWLEDGMENT</p> <p>2</p> <p>3 STATE OF NEW YORK)</p> <p>4) ss.:</p> <p>5 COUNTY OF _____)</p> <p>6</p> <p>7 I, KARIN MAISTRELLO, hereby</p> <p>8 certify that I have read the transcript</p> <p>9 of my testimony taken under oath, on the</p> <p>10 23rd day of August, 2019; that the</p> <p>11 transcript, except as noted in any</p> <p>12 attached errata sheet(s), is a true</p> <p>13 record of my testimony.</p> <p>14</p> <p>15 _____</p> <p>16 KARIN MAISTRELLO</p> <p>17 Subscribed and sworn to before me</p> <p>18 this ____ day of _____, 20____.</p> <p>19</p> <p>20 _____</p> <p>21 Notary Public</p> <p>22</p> <p>23 My Commission expires the</p> <p>24 ____ day of _____, 20____.</p> <p>25</p> <p>Page 105</p>

27 (Pages 102 to 105)

Karin Maistrello
August 23, 2019